

BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Reinstatement of:

VINCENT GEORGE RHODEN  
1777 Shoreline Drive, #308A  
Alameda, California 94501

Petitioner.

Case No. ID-2002-63009

OAH No. N2002070498

**DECISION**

This matter was heard before the Physical Therapy Board. Donald Chu, P.T., President; Jerry Kaufman, P.T., Vice President; Ellen Wilson, P.T.; Louis Garcia, Public Member; and Jay Segal, P.T., heard this matter. Ruth S. Astle, Administrative Law Judge, Medical Quality Hearing Panel, Office of Administrative Hearings, State of California, presided over this matter. The Administrative Law Judge did not participate in making the decision in this matter.

Thomas P. Reilly, Deputy Attorney General, represented the Department of Justice.

Petitioner Vincent G. Rhoden, P.T., was present and represented himself.

**FACTUAL FINDINGS**

1. On March 11, 2002, Vincent George Rhoden (petitioner) filed a Petition for Reduction in Penalty requesting reinstatement of a revoked license. Petitioner's license was revoked effective May 4, 1998, pursuant to Business and Professions Code sections 726 and 2234 (unprofessional conduct), section 2620 (practicing outside the scope of his licensure) and section 2660(1) (corrupt acts). The acts that led to disciplinary action occurred in 1995.

2. Petitioner has been acting as a real estate agent since 2000. He is 75 years old and was a physical therapist for 45 years. Petitioner was a gold medal

winner in running at the 1952 summer Olympics. He submitted several letters of support from qualified individuals.

3. If petitioner can demonstrate a present ability to practice physical therapy competently, it would not be against the public interest to reinstate petitioner's license on probation upon terms and conditions.

### LEGAL CONCLUSIONS

By reason of the matters set forth in Findings 1 through 3, above, it would not be against the public interest to allow petitioner's license to be reinstated provided he is able to demonstrate that he is safe to practice physical therapy.

### ORDER

The Physical Therapy license issued to Vincent George Rhoden is hereby reinstated. The reinstatement is immediately revoked. Upon completion of certain conditions precedent, petitioner's revocation will be stayed for a period of five (5) years upon the following terms and conditions:

Conditions Precedent:

1. **Written Exam on the Laws, and Regulations Governing the Practice of Physical Therapy** – Within 90 days of the effective date of this decision, petitioner shall take and pass the Board's written exam on the laws and regulations governing the practice of physical therapy in California. If petitioner fails to pass the examination, petitioner shall not be allowed to practice physical therapy until a repeat exam is successfully passed.
2. **National Exam** – Petitioner shall take and pass the National Examination at the next regularly scheduled administration of the examination. If petitioner fails to pass the examination, petitioner shall not be allowed to practice physical therapy until a repeat examination is successfully passed.

Standard Conditions of Probation: Upon successful completion of both of the above listed conditions precedent petitioner will be placed on probation for a period of five (5) years upon the following terms and conditions:

1. **Obey All Laws** – Petitioner shall obey all federal, state and local laws, and statutes and regulations governing the practice of physical therapy in California.

2. **Quarterly Reports** – Petitioner shall submit quarterly declarations under penalty of perjury on forms provided by the Board stating whether or not there has been compliance with all the conditions of probation.
3. **Probation Monitoring Program Compliance** – Petitioner shall comply with the Board’s probation monitoring program.
4. **Interview With the Board or its Designee** – Petitioner shall appear in person for interviews with the Board, or its designee, upon request at various times with reasonable notice.
5. **Notification of Proportional Status to Employer** – The petitioner shall notify all present or future employers of the reason for and the terms and conditions of probation by providing a copy of the accusation and the decision and order to the employer. The petitioner shall obtain written confirmation from the employer that the documents were received. If petitioner changes, or obtains additional employment, the petitioner shall provide notification to the employer and submit written employer confirmation to the Board within 10 days. The verification shall include the name, address and phone number of the employer, and, if different, the address and telephone number of the work location.
6. **Notification of Change of Name or Address** – The petitioner shall notify the Board, in writing, of any changes of name or address within ten days of any change.
7. **Restriction of Practice** – Petitioner may only practice or perform physical therapy in a supervised structured environment under the supervision of a physical therapist who is responsible for the care rendered. The petitioner shall not work for a temporary services agency or registry nor provide physical therapy services in a patient’s home. The petitioner may not treat any female patients 18 years old or younger. The petitioner is prohibited from engaging in the solo practice of physical therapy. Petitioner may not be the sole proprietor or partner in the ownership of any business that offers physical therapy services. Petitioner may not be an officer of any corporation that offers or provides physical therapy services. He may not employ physical therapists, physical therapist assistants or physical therapy aides. Petitioner shall not supervise any physical therapy student interns during the entire period of probation.
8. **Prohibited Use of Aliases** – Petitioner may not use aliases and shall be prohibited from using any name, which is not his legitimate name or based upon a legal change of name.

9. **Tolling of Probation** – The period of probation shall run only during the time petitioner is practicing within the jurisdiction of California. If, during probation, petitioner does not practice within the jurisdiction of California, petitioner is required to notify the probation monitor in writing of the date that petitioner's practice is out of state, and the date of return. Practice by the petitioner in California prior to notification to the Board of the petitioner's return will not count toward completion of probation.
10. **Violation of Probation** – If petitioner violates probation in any respect, the Board, after giving petitioner notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against petitioner during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.
11. **Cease of Practice Due to Retirement, Health of Other Reasons** – Following the effective date of his probation, if petitioner ceases practicing physical therapy due to retirement, health or other reasons petitioner may request to surrender his license to the Board. The Board reserves the right to evaluate the petitioner's request and to exercise their judgment whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled and the license is no longer renewable. If the petitioner makes application for renewal of the tendered license it will be treated as an application for a new license.
12. **Completion of Probation** – Upon successful completion of probation, petitioner's license shall be fully restored.

DATED: November 15, 2002

Original signed by Donald Chu  
DONALD CHU, P.T.  
President of the Board